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[Additional Attorneys and Plaintiffs on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SAFEWAY INC.,; WALGREEN CO.; THE
KROGER CO.; NEW ALBERTSON'S, INC.;
AMERICAN SALES COMPANY, INC.; and
HEB GROCERY COMPANY, LP,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

Case No. C 07-5470 (CW)

*Related per October 31, 2007 Order to
Case No. C-04-1511 (CW)*

**PLAINTIFFS' REQUEST FOR JUDICIAL
NOTICE OF ADDITIONAL DOCUMENT
IN SUPPORT OF THEIR OPPOSITION
TO ABBOTT'S OMNIBUS MOTION TO
DISMISS**

**Date: March 6, 2008
Time: 2:00 p.m.
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken**

[caption continues next page]

1 SMITHKLINE BEECHAM CORPORATION)
 2 d/b/a/ GLAXOSMITHKLINE,)
 3 Plaintiff,)
 4 vs.)
 5 ABBOTT LABORATORIES,)
 6 Defendant.)
 7)
 8)
 9)
 10)
 11 MEIJER, INC. & MEIJER DISTRIBUTION,)
 12 INC., on behalf of themselves and all others)
 13 similarly situated,)
 14 Plaintiffs,)
 15 vs.)
 16 ABBOTT LABORATORIES,)
 17 Defendant.)
 18)
 19)
 20 ROCHESTER DRUG CO-OPERATIVE,)
 21 INC., on behalf of itself and all others similarly)
 22 situated,)
 23 Plaintiff,)
 24 vs.)
 25 ABBOTT LABORATORIES,)
 26 Defendant.)
 27)
 28 [caption continues next page]

Case No. C 07-5702 (CW)

*Related per November 19, 2007 Order to
 Case No. C-04-1511 (CW)*

**PLAINTIFFS' REQUEST FOR JUDICIAL
 NOTICE OF ADDITIONAL DOCUMENT
 IN SUPPORT OF THEIR OPPOSITION
 TO ABBOTT'S OMNIBUS MOTION TO
 DISMISS AND GLAXOSMITHKLINE'S
 OPPOSITION TO DEFENDANT'S
 MOTION TO DISMISS COMPLAINT**

**Date: March 6, 2008
 Time: 2:00 p.m.
 Courtroom: 2 (4th Floor)
 Judge: Hon. Claudia Wilken**

Case No. C 07-5985 (CW)

*Related per November 30, 2007 Order to
 Case No. C-04-1511 (CW)*

**PLAINTIFFS' REQUEST FOR JUDICIAL
 NOTICE OF ADDITIONAL DOCUMENT
 IN SUPPORT OF THEIR OPPOSITION
 TO ABBOTT'S OMNIBUS MOTION TO
 DISMISS**

**Date: March 6, 2008
 Time: 2:00 p.m.
 Courtroom: 2 (4th Floor)
 Judge: Hon. Claudia Wilken**

Case No. C 07-6010 (CW)

*Related per December 3, 2007 Order to
 Case No. C-04-1511 (CW)*

**PLAINTIFFS' REQUEST FOR JUDICIAL
 NOTICE OF ADDITIONAL DOCUMENT
 IN SUPPORT OF THEIR OPPOSITION
 TO ABBOTT'S OMNIBUS MOTION TO
 DISMISS**

**Date: March 6, 2008
 Time: 2:00 p.m.
 Courtroom: 2 (4th Floor)
 Judge: Hon. Claudia Wilken**

1 LOUISIANA WHOLESALE DRUG
2 COMPANY, INC., on behalf of itself and all
3 others similarly situated,

4 Plaintiff,

5 vs.

6 ABBOTT LABORATORIES,

7 Defendant.

) **Case No. C 07-6118 (CW)**

) *Related per December 10, 2007 Order to*
) *Case No. C-04-1511 (CW)*

) **PLAINTIFFS' REQUEST FOR JUDICIAL**
) **NOTICE OF ADDITIONAL DOCUMENT**
) **IN SUPPORT OF THEIR OPPOSITION**
) **TO ABBOTT'S OMNIBUS MOTION TO**
) **DISMISS**

) **Date: March 6, 2008**
) **Time: 2:00 p.m.**
) **Courtroom: 2 (4th Floor)**
) **Judge: Hon. Claudia Wilken**

9
10 RITE AID CORPORATION; RITE AID
11 HDQTRS, CORP.; JCG (PJC) USA, LLC;
12 MAXI DRUG, INC. d/b/a BROOKS
13 PHARMACY; ECKERD CORPORATION;
14 CVS PHARMACY, INC.; and CAREMARK,
15 L.L.C.,

16 Plaintiff,

17 vs.

18 ABBOTT LABORATORIES,

19 Defendant.

) **Case No. C 07-6120 (CW)**

) *Related per December 5, 2007 Order to*
) *Case No. C-04-1511 (CW)*

) **PLAINTIFFS' REQUEST FOR JUDICIAL**
) **NOTICE OF ADDITIONAL DOCUMENT**
) **IN SUPPORT OF THEIR OPPOSITION**
) **TO ABBOTT'S OMNIBUS MOTION TO**
) **DISMISS**

) **Date: March 6, 2008**
) **Time: 2:00 p.m.**
) **Courtroom: 2 (4th Floor)**
) **Judge: Hon. Claudia Wilken**

1 Pursuant to Federal Rule of Evidence 201(b), Plaintiffs request that the Court take judicial
2 notice of the following additional document attached as Exhibit 7, which Abbott filed in the *In re*
3 *Abbott Labs Norvir Antitrust Litigation* after plaintiffs' filed their Opposition to Abbott's Omnibus
4 Motion to Dismiss and GSK filed its Opposition to Abbott's Motion to Dismiss Complaint:

5 7. Notice of Motion and Motion of Abbott Laboratories for Summary Judgment filed
6 in *In re Abbott Labs Norvir Antitrust Litigation*, Case No. C-04-1511 CW and dated February 13,
7 2008. A true and correct copy of this document is attached as Exhibit 7.

8 Facts can be judicially noticed that are "not subject to reasonable dispute" because they are
9 either 1) generally known in the jurisdiction, or are 2) "capable of accurate and ready
10 determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R.
11 Evid. 201(b). "[M]atters of public record" outside the pleadings are appropriate for judicial notice
12 on a motion to dismiss. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001) (quoting
13 *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986)); *see also* *MGIC*
14 *Indem. Corp. v. Weisman*, 803 F.2d 504 (9th Cir. 1986). Moreover, court filings from other
15 lawsuits are subject to judicial notice under Rule 201(b). *U.S. ex rel. Robinson Rancheria Citizens*
16 *Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) ("We 'may take notice of proceedings
17 in other courts, both within and without the federal judicial system, if those proceedings have a
18 direct relation to matters at issue.'" (quoting *St. Louis Baptist Temple, Inc. v. FDIC*, 605 F.3d
19 1169, 1172 (10th Cir. 1979))). The above exhibit reflects another proceeding in this Court that has
20 direct relation to the matters at issue. Exhibit 7 is a Motion for Summary Judgment filed by
21 Defendant Abbott Laboratories in *In re Abbott Labs Norvir Antitrust Litigation*. Plaintiffs' cases
22 have been related to the *Norvir Antitrust Litigation* by this Court. Abbott's arguments in its
23 Motion for Summary Judgment are relevant to the arguments it makes in its Omnibus Motion to
24 Dismiss and in its Motion to Dismiss GlaxoSmithKline's Complaint. Specifically, all motions
25 implicate Abbott's "patent immunity" defense. The contents of this document are not subject to
26 reasonable dispute and are capable of accurate and ready determination by resort to sources whose
27 accuracy cannot reasonably be questioned.

28

1 For the foregoing reasons, Exhibit 7 may properly be considered by the Court in its ruling
2 on Defendant's Omnibus Motion To Dismiss and on Defendant's Motion to Dismiss
3 GlaxoSmithKline's Complaint.

4 Dated: February 21, 2008

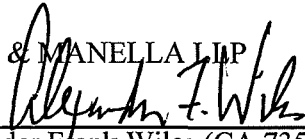
Respectfully submitted,

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1 Pursuant to General Order No. 45, Section X, I attest under penalty of perjury that
2 concurrence in the filing of this document has been obtained from Alexander F. Wiles.

3 Dated: February 21, 2008

4 By /s/ Trevor V. Stockinger
5 Trevor V. Stockinger
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